

March 2, 1967

MEMORANDUM

TO: Boston Redevelopment Authority
FROM: Edward J. Logue, Development Administrator
SUBJECT: ZONING REFERRALS

I. ZONING COMMISSION.

Re: Text Amendment Application No. 5
Engineer, Boston Zoning Commission

Committee composed of Zoning, Planning and Building Department staff members discussed various suggestions for simplifying and administrating the code. This application contains 34 proposals to amend definitions in the Boston Zoning Code and divers provisions thereof respecting use regulations, dwellings in business districts, lot width, front, side and rear yards and off-street parking facility and off-street loading bay requirements. No change in present policy is contemplated on any of these changes. It is simply a case of clarification. Recommend approval.

VOTED: That in connection with Text Amendment Application No. 5, by the Engineer of the Zoning Commission, seeking thirty-four changes in the zoning code for the purpose of simplification and clarification, the Boston Redevelopment Authority recommends approval of these changes, since it is its understanding that these changes have been proposed by BRA and Building Department staff members and no change in policy is involved.

Re: Text Amendment Application No. 6
Boston Redevelopment Authority

The Waterfront Project staff has recommended the following two proposals for changes in the code. To include land under water in the definition of a lot so that front, side and rear yard requirements may be met by using water area to the extent that the lines of private ownership include water. 2) To relate apartments requirements in business districts to the nearest residential district instead of nearest adjacent, and in the case of a B-8 or B-10 district, to specify that the open space requirements shall be for the least restricted residence district, presently that of an H-5 district. Previously approved by the Authority, recommendation should now be forwarded to the Zoning Commission.

VOTED: That in connection with Text Amendment Application No. 6, wherein the Boston Redevelopment Authority seeks two changes in the zoning code, including land under water in the definition for lot, so that front, side and rear yard requirements may be met by using water area, and relating apartment requirements in business districts to the nearest residential district and further specifying that in a B-8 or B-10 district that the open space requirements shall be for the least restrictive residence district, the Authority requests approval since in its opinion, though the proposals are minor, more flexibility is provided.

Re: Text Amendment Application No. 7
Boston Redevelopment Authority

This is a single proposal by the B.R.A. planning staff to insert a new paragraph in the parking article of the code under Section 23-8, which would provide that parking spaces provided by the city on public rights-of-way, adjacent to low and moderate rental housing units and clearly intended by their location and design to be used primarily by residents of such housing units and then visitors may be substituted space for space for the required off-street parking facilities and shall be considered for all purposes of the zoning code as part of the lots containing such dwelling units.

VOTED: That in connection with Text Amendment Application No. 7 wherein the Boston Redevelopment Authority seeks to add a clause in the parking section of the Boston zoning code which will provide that parking spaces built by the City on public rights-of-way, adjacent to low and moderate rental housing units and clearly intended to be used by the residents thereof, may be substituted for the off-street parking required in the code, the Authority requests approval since in its opinion every effort should be made to reduce the costs of relocation housing and if parking is provided by the city, the code should recognize that fact.

II. BOARD OF APPEAL REFERRALS

Re: Petitions No. Z-750 & Z-751
Anna Aiello
5 & 7 Ashford Street, Boston

Off-street parking deficits and dimensional variances are sought to change occupancy of each of two dwellings from one to three families in a residential (R-.8) district. The lots do not now have the area to support one family (5000 sq. ft.) much less three (8000 sq. ft.). Transportation-Engineering Department reports Ashford Street is narrow and busy serving as access to large parking lots, curb parking is restricted to the south side and is insufficient. Denial is recommended. Optional case

VOTED: That in connection with Petitions No. Z-750 and Z-751 brought by Anna Aiello, 547 Ashford Street, Allston, for three variances to change occupancy of each dwelling from one to three families in a residential district, the Boston Redevelopment Authority is opposed to the granting of the variances. The lots now, do not have the area to support one family. Curb parking is restricted to the south side and already is insufficient. Increasing the parking demand on Ashford Street would only tend to increase congestion and this violates the intent and purpose of zoning.

Re: Petition No. Z-752
F. W. Webb Company
161 Franklin Street, Allston

For the construction of a one-story office building in a residential (R-.5) district, six variances including a forbidden use, are requested. The front and rear yards have a deficiency of 13 and 30 feet, respectively. Twelve of sixteen parking spaces are provided in the front yard where no parking is allowed. Corner visibility would be impaired by this misuse of front yard. Transportation-Engineering Department records opposition and it is recommended the variances be denied.

VOTED: That in connection with Petition No. Z-752 brought by F. W. Webb Company, 161 Franklin Street, Allston, for six variances including a forbidden use to erect a one-story office building in a residential district, the Boston Redevelopment Authority is opposed to the granting of the variances. Front and

rear yards are deficient by 13 and 30 feet respectively. The illegal parking in front yard seriously impairs corner traffic visibility. The forbidden use in this residential area would be detrimental to the neighborhood and public welfare.

Re: Petition No. Z-753
Rand & Company, Inc.
205 West Second St., South Boston

Two yard variances, corner cut-off and off-street parking less than required are requested to erect a one-story metal storage shed in a Light Manufacturing (M-1) district. The use is bounded by "C" and Bolton Streets. The staff feels corner traffic visibility should be observed. Transportation-Engineering is opposed on this point. Recommend denial as submitted.

Optional case

VOTED: That in connection with Petition No. Z-753 brought by Rand & Company, Inc., 205 West Second Street, South Boston, for four variances to erect a one-story metal storage shed in a Light Manufacturing district, the Boston Redevelopment Authority is opposed to the granting of the variances as submitted. Provision should be made by the appellant to comply with corner traffic visibility. No attempt has been made to try, in any way, to even partly try to meet requirements and no conditions have been met which would permit a variance.

Re: Petition No. Z-754
Albert Berlandi
33 Rosselerin Road, Dorchester

Appellant is erecting a two-story addition to a one-family dwelling in a residential (R-.5) district and requests a side yard variance. The expansion will be used for a kitchen and bedrooms. A permit was originally issued by the Building Department and work initiated. Much of the exterior has been completed. It has now developed that the submitted plot plan was in error and a stop work order has subsequently been issued. Approximately 4 feet of a 9 foot requirement is supplied. The violation is minimal and approval is recommended.

Optional case

VOTED: That in connection with Petition No. Z-754, brought by Albert Berlandi, 33 Rosselerin Road, Dorchester, for a side yard variance to erect a two-story addition to a one-family dwelling in a residential district, the Boston Redevelopment Authority is not opposed to the granting of the variance. The violation is minimal. The exterior of the addition is near completion. Work was performed in good faith based on error in plot plan until stop order was issued.

Re: Petition No. Z-755
Kaiser Rizke
6 Cheryl Lane, Hyde Park

A carport has been erected as an addition to a single family dwelling in an S-.3, single family district. Front and side yard variances are required. Appellant states he received assurance from contractor that all legal requirements had been met. Carport is aligned with front yard which has an existing deficiency of eight feet and the side yard has a nine foot deficit. This is an irregular shaped lot, width of street line being only 31 feet. There is a retaining wall at the side yard line and petitioner's land averages 3 feet below abutter's side yard. Carport is composed of a light aluminum roof supported by 4 round aluminum $\frac{1}{2}$ inch columns, on the west side of petitioner's property and shadow falls on petitioner's land and not the abutters. Recommend no objection. Optional case

VOTED: That in connection with Petition No. Z-755, brought by Kaiser Rizke, 6 Cheryl Lane, Hyde Park, for two yard variances, for the addition of a carport in a single family district, the Boston Redevelopment Authority has no objection to the granting of the variances. The side yard in question is about three feet below abutter's land and separated by a retaining wall. Since carport is on west side of petitioner's property, any shadow cast is on the petitioner's property and not the abutters. Carport lines up with the existing front yard and since it is depressed does not cut off any view.

Re: Petition No. Z-756
Massachusetts Port Authority
Herbert Skolnik, Lessee
121 Chelsea Street, Charlestown

A conditional use is requested for the parking of 20 automobiles for a fee, in a Local Business (L-1) district. Because of location of Navy Yard across the street, there is a heavy demand for parking and there does not appear to be any esthetic reason against allowing the permit. Charlestown Project staff has no objection and Transportation-Engineering Department has no objection provided no extended curb cuts are allowed. However, the matter of curb cuts is strictly a matter to be decided by the Public Works Department and exceptions are granted if in its opinion, there is little interference with pedestrian travel. Recommend approval.

VOTED: That in connection with Petition No. Z-756 brought by Massachusetts Port Authority, Herbert Skolnik, Lessee, 121 Chelsea Street, Charlestown, for a conditional use permit to park 20 automobiles for a fee, in a local business district, the Boston Redevelopment Authority recommends approval since the lot is an odd-shaped sliver of land; there is a heavy demand for parking in the area; there appears to be no esthetic reason for disallowing permit and there also appears to be little pedestrian traffic on this part of Chelsea Street.

Re: Petition No. Z-757
Family City Development Corporation
190-200 Mt. Vernon St., Dorchester

In a General Business (B-1) district a conditional use is requested to change occupancy from retail store to retail store and four car repair shop garage. This is a small complex of retail stores adjacent to Columbia Circle and Columbia Point Housing Project. The general area is auto sales and service oriented. There will be no serious hazard to vehicles or pedestrians from the use. Approval is recommended.

VOTED: That in connection with Petition No. Z-757, brought by Family City Development Corporation, 190-200 Mt. Vernon Street, Dorchester, for a conditional use to change occupancy from retail store to retail store and four-car repair shop garage in a General Business district, the Boston Redevelopment Authority is not opposed to the granting of the variance. The proposed use will not adversely

affect the general area which is auto sales and service oriented.

Re: Petition No. Z-758
Anthony Saia
171-175 Clare Avenue, Hyde Park

A change of occupancy from 32 to 38 apartments is requested in a single family (S-.5) district. Four variances, including a forbidden use, are asked for the conversion. The Board of Appeal granted the original petition for construction in August 1966. The Authority recorded opposition. The appellant now states he must erect high foundation walls which can be used as exterior walls for the additional apartments. The Authority in its initial referral to the Board of Appeal, stated the lot can only support seven units, no hardship or practical difficulty is involved, and, because of the commercial use and two-multi-family units nearby, a well considered zoning change would be much more appropriate and proper. Denial is recommended.

VOTED: That in connection with Petition No. Z-758 brought by Anthony Saia, 171-175 Clare Ave., Hyde Park, for four variances, to change occupancy from 32 to 38 apartments in a single family (S-.5) district, the Boston Redevelopment Authority is opposed to the granting of the variances. The request for additional apartments is a further flagrant violation of the intent and purpose of the code. No hardship or practical difficulty is, or ever was, involved. As stated in previous referral, this is a matter that might properly have been considered for a zone change but there were no grounds for a variance.

Re: Petition No. Z-760
Trustees of Medleg Associates
71 Robinwood Ave., Jamaica Plain

A change of occupancy from a three-family dwelling to a Hospital administrative office, a forbidden use in a General Residence (R-.5) district, and one family dwelling is sought. The conversion will be occupied by offices and administration of Glenside Hospital, a private psychiatric institution, which is directly opposite, also owned and operated by the appellant. The use will allow the hospital to make additional space available for occupational therapy facilities in the care and treatment of mental patients. The neighborhood will not be adversely affected as there are nine nursing homes in the immediate vicinity. Approval is recommended.

VOTED: That in connection with Petition No. Z-760 brought by the Trustees of Medleg Associates, 71 Robinwood Avenue, Jamaica Plain, for a change in occupancy from a three-family dwelling to a Hospital administrative office, a forbidden use in a General Residence district, and a one-family dwelling, the Boston Redevelopment Authority has no objection to the granting of the variance. The use will allow Glenside Hospital additional space for occupational therapy for the care and treatment of psychiatric patients. There are nine nursing homes in the immediate vicinity. The use will not have an adverse affect on the neighborhood.

Re: Petitions No. Z-761 & Z-762
MacDougall & Company, Inc.
6 Holly Rd. & 32 Jewett St., Ros.

Dimensional variances are requested to subdivide lot and erect a one-family dwelling in a General Residence (R-.5) district. This is the last of a small complex of single family dwellings erected on Holly Road in 1962-1963. The lot, 4100 sq. ft. of 5000 required, is similar to the other lots. The use is compatible with the immediate area. There is a dwelling on the corner of Jewett Street. Approval is recommended Optional case

VOTED: That in connection with Petitions No. Z-761 and Z-762, brought by MacDougall & Company, Inc., 6 Holly Road and 32 Jewett Street, Roslindale, for dimensional variances to subdivide lot and erect a one-family dwelling in a General Residence district, the Boston Redevelopment Authority is not opposed to the granting of the variances. This is a reasonable use of land as the dwelling will conform with the other single family homes and lots on Holly Road.

Re: Petition No. Z-763
Grace N. Kenney
1445 River Street, Hyde Park

Appellant in Petition No. Z-217 of October, 1965, requested an extension of a non-conforming use (funeral home) in a two-family district along with five variances including lack of parking. Authority recommended denial because of overcrowding of land, deprivation of light and air to abutters, undue

congestion of surrounding streets. Board of Appeal, however, granted permit, except for proviso that five foot setback be required for the side of rear yards. The petitioner now asks that the proviso be eliminated so that embalming room may be extended to the lot lines. Again, recommend denial.

VOTED: That in connection with Petition No. Z-763 brought by Grace N. Kenney, 1445 River St., Hyde Park, for variances to further allow construction of an addition to an existing non-conforming funeral home in a general residence district, the Boston Redevelopment Authority is opposed to the granting of the variances as it was to the original petition in October 1965, for the reasons then enumerated - overcrowding of the land, depriving abutters of light and air, and creating undue congestion.

